IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4971 OF 2005

Salim Tamboli ...Applicant
Vs.
The State of Maharashtra ...Respondent

Ms Pranali Kakade for the Applicant.
Mr. R.Y. Mirza, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 24, 2005.

P.C.:

1. Heard Advocate appearing for the Applicant. The Applicant is an accused alongwith others in an offence under section 302 of the Indian Penal Code.

2. Atleast four witnesses have ascribed clear role to the Applicant of assault on the deceased and the witnesses have stated that the Applicant assaulted the deceased by using a weapon. The version of the said witnesses cannot be said to be inconsistent with the version of the first informant who has stated that apart from accused Imran, there were two other accused carrying weapons who were not known to him. There is more than enough material on record to show the complicity of the Applicant in the brutal offence.

3. The Applicant cannot claim parity on the basis of the bail granted in favour of the accused No.4. The accused No.4 is not named specifically by any of the witnesses. Moreover, Identification Parade was not held by the police in so far as the said accused

is concerned.

4. It is pointed out that considering the very young age of the Applicant, he is entitled to be enlarged on bail. In my view, considering the gravity of the allegations, young age is not the ground to enlarge the Applicant on bail. However, that is a ground for expediating the trial.

5. Application is rejected. If a Fast Track Court is available, the learned Sessions Judge will entrust the trial to a Fast Track Court. The trial will be concluded by treating the case as High Court expediated case.

JUDGE